

REMARKS

Specifically, a Response to an Office Action was e-filed in this case on July 24, 2006. Subsequently, on July 27, 2006, a Notice of Non-Compliant Amendment was sent by the USPTO indicating that a complete listing of all the claims was not present. In a review of the earlier Office Action Response filed on July 24, 2006, the undersigned noted that, while claims 1-35 had been earlier cancelled in the prosecution, they had not been indicated as cancelled in the Office Action Response. In fact, they had not been listed. Claims 36-38 are pending.

Subsequently, on August 16, 2006, the Response to the Notice of Non-Compliant Amendment was filed with the proper listing of original claims 1-35 as cancelled. However, in the pending claims 36-38, the amendments listed for those claims in the Response of August 16, 2006, vary slightly from those that had been earlier submitted in the Response of July 24, 2006. The claims were supposed to have been identical, but, through a clerical error, they were slightly different.

Accordingly, Applicants make the current amendments after allowance to address those minor discrepancies. The undersigned has discussed this issue with the Examiner in the case. Applicants also submit that the claims remain allowable, and no new matter is entered into the application through the amendment. Therefore, Applicants respectfully request entry of the claim

amendments herein.

Request for Initialization of PTO 1449 Forms

In another matter discussed with the Examiner in the case, an Information Disclosure Statement had been filed on February 19, 2004 in the application. Subsequently, with an earlier Notice of Allowance mailed November 10, 2005, 1449 forms were returned with various of the references being initialed. However, in the four sheets of Form 1449, several of the patent and non-patent references were indicated with the notation "N/A," rather than the initials of the Examiner (copies enclosed). During prosecution, this application was sold and assigned, and responsibility transferred from the law firm that had earlier filed the IDS to the new owner's current undersigned representative. Upon a review of the most recent Office Action mailed September 11, 2006, the undersigned representative noticed the references initialed as "N/A."

Applicant submits that the non-initialed IDS entries at issue were all cited, reviewed and appropriately noted on the parent patent, U.S. Patent No. 7,015,751, from which the currently-pending divisional application derives. Furthermore, the copies of such references were submitted in that earlier parent patent, which is identified in the IDS in this current application and is relied upon for an earlier

effective filing date under 35 U.S.C. § 120. The earlier IDS documents submitted in the parent '751 case appear to be in accordance with §1.98 of the regulations. Therefore, those references should have been considered by the Examiner, but, apparently might not have been based on the initialization of the IDS 1449 forms. For the purposes of expediting the review and initialization, Applicant again submits the four earlier PTO 1449 forms (uninitialed), along with copies of the non-initialed references. Applicant further requests the review of those earlier-submitted references, along with the appropriate initialization in the 1449 forms. Applicant also requests that those initialed forms be sent back to the undersigned. If any issues remain in the case which might be handled in an expedited fashion, such as through a telephone conversation, the Examiner is again encouraged to telephone the Applicant's undersigned representative.

Applicants know of no fees due herein with this submission. However, if any charges or credits are necessary, please apply them to Deposit Account 23-3000.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.



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